

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 30 – HB 45

February 25, 2015

SUMMARY OF ORIGINAL BILL: Prohibits release eligibility for aggravated vehicular homicide until the offender has served 85 percent of the sentence imposed less sentence credits earned, but sentence credits cannot reduce the percent served below 70 percent.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$567,200 Highest Projected Cost of Next 10
Years/Incarceration*

SUMMARY OF AMENDMENT (003581): Deletes all language after the enacting clause. Prohibits release eligibility for aggravated vehicular homicide until the offender has served 60 percent of the sentence imposed less sentence credits earned, but sentence credits cannot reduce the percent served below 45 percent.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$117,000/Highest Projected Cost of Next 10
Years/Incarceration*

Assumptions for the bill as amended:

- Aggravated vehicular homicide is a Class A felony. Statistics from the Department of Correction (DOC) show that the average sentence received for aggravated vehicular homicide over the last ten years is 19.64 years and the average time served for aggravated vehicular homicide over the last ten years is 7.87 years.
- The average person convicted of aggravated vehicular homicide serves 40.1 percent (7.87 years / 19.64 years) of the sentence received. The bill requires each person convicted of aggravated vehicular homicide to serve no less than 45 percent of the sentence received.
- The average person convicted of aggravated vehicular homicide would serve no less than 8.84 years (19.64 years x .45). The bill would increase the average time served for each person convicted of aggravated vehicular homicide by 0.97 years (8.84 years – 7.87 years).
- Statistics from the DOC show that there has been an average of 6.5 admissions for aggravated vehicular homicide each year over the last ten years.

- Data from the U.S. Census Bureau indicates population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for one (7 admissions x .1178) additional admission for a total of eight admissions (7 + 1).
- The DOC reports that 32.23 percent of offenders will re-offend within one year of their release. A recidivism discount of 32.23 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (8 offenders x .3223 = 3 offenders).
- The DOC estimates the average operating cost per offender per day for calendar year 2015 is \$66.03.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 5 offenders [8 offenders – 3 (recidivism discount)] serving an additional 0.97 years (354.29 days) for a total of \$23,394 (\$66.03 x 354.29 days). The cost for five offenders is \$116,970 (\$23,394 x 5).
- The bill affects the time served by those convicted of aggravated vehicular homicide. It will not increase the number of cases or convictions. Any impact to the Administrative Office of the Courts, the District Attorneys General Conference, or the District Public Defenders Conference is minimal.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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